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EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,526

Applicant(s)

WEBB ET AL.

Examiner

LaShanya R. Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-26 and 29-39 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is in response to an Amendment filed February 21, 2006. Claims 1-39 are presented for further consideration.

Response to Arguments

Applicant's arguments with respect to claims 1-11, 14-26, and 29-39 have been considered but are moot in view of the new grounds of rejection in view of a newly applied reference Appleman (US Patent 6,750,881).

Applicant's arguments, see Remarks (page 1), with respect to claims 12-13 and 27-28 have been fully considered and are persuasive. Therefore, the rejection under 35 USC 103(a) has been withdrawn. However, claims 12-13 and 27-28 are objected to as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9-11, 14, 16, 24-26, 29, 31, 33 and 39 are rejected under 35

U.S.C. 103(a) as being unpatentable over Trovato et al. (US Patent 6,425,012) in

view of Manber et al. (US Patent 6,651,086) and Appleman (US Patent 6,750,881) hereinafter referred to as Trovato and Appleman respectively.

In reference to claims 1 and 39, Trovato discloses a system and method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises: Creating one or more clones of a first forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17); and

- Determining whether an interactive relationship exists between a user entering the forum and one or more other users entering the first forum or one or more users already in the first forum, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44);
- Placing the first user entering the forum in a clone of the first forum based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the method wherein the forums are dedicated to a particular topic or a computer program product, embodied on a computer readable medium, including instructions operable to cause data processing apparatus to perform the aforementioned method [claim 39]. However, these limitations were well known in the

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art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato.

In an analogous art, Manber discloses a method and associated software (column 3, lines 46-62) [claim 39] for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on mutual interests, the content they may be viewing and based on what the individuals desire to converse about at the time they may be viewing specific media content (abstract; column 1, lines 30-56). Manber further discloses that method (Figure 2) for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to a specific topic (i.e. story or topic of interest; column 4, line 10-column 5, line 2). In addition, Manber discloses that subsequent clone forums are also dedicated to the same topic as the first forum (i.e. starting a conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). One of ordinary skill in the art would have been so motivated to implement this modification so as to dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second

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user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe"; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE"); column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user from buddy list for BUDDY CHAT; column 6, lines 18-51| Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50).

In reference to claim 16, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming methodology as addressed in claim 1. The chat server and communication network for the invention are shown to comprise:

- A means for sending and receiving content to and from a network, (column 2, lines 40-50 and Figure 1); and
- A means coupled to means for sending and receiving content for creating one or more clones of a first forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum (column 5, lines 14-19 and Figure 1);
- A means coupled to means for sending and receiving content for determining whether an interactive relationship exists between a first user entering the forum and a second users entering the first forum or one or more users already in the forum and, if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship (column 3, line 51 to column 4, line 4 and column 4, lines 13-16).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the system wherein the forums are dedicated to a particular topic.

However, this limitation was well known in the art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of invention to accordingly modify the system as disclosed by Trovato.

In an analogous art, Manber discloses a system for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on their mutual interests, the content they may be viewing and based in what the individuals desire to converse about at the time they may be viewing specific media content, (abstract; column 1, lines 30-56). Manber further discloses that system for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to a specific topic, (story or topic of interest; column 4, line 10 to column 5, line 2). In addition, Manber discloses that subsequent clones forums are also dedicated to same topic as the first forum (i.e. starting conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). One of ordinary skill in the art would have been so motivated to implement this modification so as to dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further

evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe"; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE"); column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user from buddy list for BUDDY CHAT; column 6, lines 18-51| Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50).

In reference to claim 31, Trovato discloses a system and method for forming on-line chat networks based on time of access request and context/user profiles associated

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with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises:

- Creating one or more clones of a forum for user interaction wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17); and
- Determining whether an interactive relationship exists between a first user entering the forum and a second user entering the forum or one or more users already in the first forum, (column 3, line 63 to column 4, line 4 and column-7, lines 41-44);
- Placing the user entering the forum in a clone of the first forum based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the method wherein: the forums are dedicated to a particular topic; and limiting the number of users in each instance of the first forum to a threshold number, except if an interactive relationship exists between the user entering the first forum and one or more other users and placing the user entering the first forum in a clone with more than the threshold number of users only if an interactive relationship exists between the user and one or more of the other users in the clone or entering the clone. However, these limitations were well known in the art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of invention to accordingly modify the method as disclosed by Trovato.

In an analogous art, Manber discloses a method for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on their mutual interests, the content they may be viewing and based in what the individuals desire to converse about at the time they may be viewing specific media content, (abstract; column 1, lines 30-56). Manber further discloses that method (Figure 2) for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to a specific topic, (story or topic of interest; column 4, line 10 to column 5, line 2). In addition, Manber discloses that subsequent clones forums are also dedicated to same topic as the first forum (i.e. starting conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). Manber also teaches limiting the number of users in each instance of the first forum to a threshold number, (column 5, lines 10-14), except if an interactive relationship (column 5, lines 1-8) exists between the user entering the first forum and one or more other users, (i.e. reopen conversation; column 6, lines 39-43); and placing (i.e. accept) the user entering the first forum (i.e. indicator associated the story or topic; column 6, lines 13-30) in a clone with more than the threshold number of users only if an interactive relationship exists between the user and one or more of the other users in the clone (i.e. conversation starter) or entering the clone, (column 5, line 46 to column 6, line 12). One of ordinary skill in the art would have been so motivated to implement these modifications so as to

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dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe "; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE");column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user

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from buddy list for BUDDY CHAT; column 6, lines 18-51 (Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50).

In reference to claim 33, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming methodology as addressed in claim 1. The chat server and communication network for the invention are shown to comprise:

- A means for sending and receiving content to and from a network, (column 2, lines 40-50 and Figure 1); and
- A means coupled to means for sending and receiving content for creating one or more clones of a first forum wherein each clone is a clone of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each clone of the first forum (column 5, lines 14-19 and Figure 1);
- A means coupled to means for sending and receiving content for determining whether an interactive relationship exists between a first user entering the forum and a second user entering the first forum or one or more users already in the forum and, if an interactive relationship exists, placing the user entering the first forum in a clone

of the first forum based on the relationship (column 3, line 51 to column 4, line 4 and column 4, lines 13-16).

Although Trovato discloses substantial features of the claimed method, the reference fails to show the system wherein: the forums are dedicated to a particular topic; and limiting the number of users in each instance of the first forum to a threshold number, except if an interactive relationship exists between the user entering the first forum and one or more other users and placing the user entering the first forum in a clone with more than the threshold number of users only if an interactive relationship exists between the user and one or more of the other users in the clone or entering the clone. However, these limitations were well known in the art at the time of invention, as further evidenced by Manber. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the system as disclosed by Trovato.

In an analogous art, Manber discloses a system for dynamically matching and subsequently connecting two or more individuals to a forum (i.e. Internet chat conversation) based on their mutual interests, the content they may be viewing and based in what the individuals desire to converse about at the time they may be viewing specific media content, (abstract; column 1, lines 30-56). Manber further discloses that system for creating one or more clones (i.e. start conversation) of a first forum (i.e. open chat conversations; Figure 4) for user interaction, wherein the first forum is dedicated to a specific topic, (story or topic of interest; column 4, line 10 to column 5, line 2). In addition, Manber discloses that subsequent clones forums are also dedicated to same

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topic as the first forum (i.e. starting conversation associated with the story or topic of the selected indicator; column 5, lines 15-50). Manber also teaches limiting the number of users in each instance of the first forum to a threshold number, (column 5, lines 10-14), except if an interactive relationship (column 5, lines 1-8) exists between the user entering the first forum and one or more other users, (i.e. reopen conversation; column 6, lines 39-43); and placing (i.e. accept) the user entering the first forum (i.e. indicator associated the story or topic; column 6, lines 13-30) in a clone with more than the threshold number of users only if an interactive relationship exists between the user and one or more of the other users in the clone (i.e. conversation starter) or entering the clone, (column 5, line 46 to column 6, line 12). One of ordinary skill in the art would have been so motivated to implement these modifications so as to dynamically create topic-specific chat sessions based on temporal events (i.e. conversations directed to current media that the content users are currently viewing; Manber column 1, lines 30-40) without the overhead typically associated with the establishment and maintenance of prior art topic-specific chat rooms, (Trovato column 1, lines 59 to column 2, line 26). However, the references fail to show the aforementioned forum wherein an interactive relationship is determined to exist if the first user and the second user have had an online interaction with each other prior to the first user entering the first forum. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Appleman. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Trovato and Manber.

In an analogous art, Appleman discloses a system and method for automatically determining the real-time status of specified users in an electronic communications system (abstract; column 1, lines 53-column 2, line 10). Appleman further discloses that an interactive relationship (i.e. member of user-definable buddy list; column 3, lines 20-63; Figures 2a-2b) is determined to exist if the first user (i.e. user) and the second user (i.e. co-user) have had an online interaction with each other (i.e. determined status of currently online ("IN") and on user's buddy list; Figure 3-"John Smith" or "Simon Roe "; column 3, line 65-column 4, line 36) prior to the first user entering the first forum (i.e. determine which chat room a buddy is in at a particular moment ("LOCATE"); column 4, lines 37-45; Figure 4-item 40). Appleman further discloses that a user is paced in a chat network based in an interactive relationship with the other user (i.e. selecting co-user from buddy list for BUDDY CHAT; column 6, lines 18-51| Figure 10). It would have been obvious to modify the aforementioned method disclosed by Trovato and Manber, so as to track personal relationships and maintain knowledge of people/users within communication system, thereby increasing potential of communication with related people amongst many users (Appleman column 1, lines 34-50).

In reference to claims 9 and 24, Trovato discloses placing users in multiple instances of chat networks containing users in which an interactive relationship is determined to exist (column 4, lines 13-17 and column7, lines 53-56).

In reference to claims 10 and 25, Trovato explicitly shows placing users in multiple instances of chat network with users having similar profiles and who most recently accessed the first chat network (column 7, lines 27-33 and column 7, lines 53-60).

In reference to claim 11 and 26, Trovato teaches limiting the number of users in each instance of the first chat room to a maximum number (column 5, lines 23-38).

In reference to claim 14 and 29, Trovato discloses the first chat network as an interactive forum maintained by a system of computers in which users interact by submitting messages (column 2, line 65 to column 3, line 5 and Figure 1). It is inherent that messages transmitted via this chat network are read by receiving clients as are submitted.

Claims 2-8, and 17-23 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, Manber and Appleman as applied to previous claims, and further in view of Morris et al. (US Patent 6,336,133), hereinafter referred to as Morris.

In reference to claims 2-3, 17-18, 32 and 34 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and

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user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato and Manber fail to show receiving information indicating: forums the user has been in [claims 2,17]; and clones of forums the user has been in [claims 3,18,32,34].

Nonetheless, this modification to the method and system as disclosed by Trovato, Manber and Appleman, would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses a receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship (i.e. "eviling" another user; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the method and system, as disclosed by Trovato, Manber and Appleman. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claims 4-7, and 19-22 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato, Manber and Appleman fail to specifically show obtaining information from the user entering the forum or one or more other users regarding: domain name of the user's address [claims 4,19]; country associated with the user's address [claims 5,20]; language in which the user prefers to communicate [claims 6,21]; and indication of an interactive relationship with one or more other users [claims 7,22]. Nonetheless, this modification to the method and system as disclosed by Trovato, Manber, and Appleman would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Therefore, one of ordinary skill in the art would have readily recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claims 8 and 23, Trovato teaches placing users in a chat network other than the chat network containing designated users in which relationships are determined to exist (column 4, lines 24-33).

In reference to claims 37-38, Trovato shows the method and system receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato, Manber and Appleman fail to specifically show the method wherein the relationship is a group membership relationship; the method further comprising receiving an indication from the user entering the forum or from one or more other users that a group membership exists between the user entering the forum and the one or more other users. Nonetheless, this modification to the method and system as disclosed by Trovato, Manber and Appleman would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8), specifically an indication of membership relationship (i.e. participants of private chat room or buddy lists; column 5, lines 45-55; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily

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recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, Manber and Appleman, as applied to the claims above, and further in view of Liles (US Patent 5,888,731) hereinafter referred to as Liles.

In reference to claims 15 and 30, Trovato teaches a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1). Although Trovato, Manber and Appleman show substantial features of the invention as previously addressed, the references fail to show the chat network as an interactive virtual world with each user having one or more moving avatars within the virtual world. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the chat network system disclosed by Trovato, Manber and Appleman, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a graphical on-line chat session employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65). Liles further discloses virtual worlds were well known in the art at the time of the invention (column 1, lines 50-65). Therefore, one of

ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages (Liles column 2, lines 44-50).

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (US Patent 6,425,012), in view of Liles (US Patent 5,888,731) and Morris et al. (US Patent 6,336,133), hereinafter referred to as Trovato, Liles and Morris respectively.

In reference to claim 35, Trovato discloses a method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises:

- Creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);
- Creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and

- Determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- If an interactive relationship exists, placing the first user entering the first world in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the method disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and

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wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50). In reference to claims 2-3, 13, 17-18, 28, 32 and 34 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38).

Trovato and Liles fail to show the method receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless this modification to the method, as disclosed by Trovato and Liles, would have been

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obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the method and system, as disclosed by Trovato and Liles. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claim 36, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming

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methodology as addressed in claim 35. The chat server and communication network for the invention are shown to comprise:

- A means for (column 5, lines 14-19 and Figure 1), creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);
- A means for (column 5, lines 14-19 and Figure 1), creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and
- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) placing the first user entering the world, if an interactive relationship exists, in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for

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transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the system disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50).

Trovato and Liles fail to show the system receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the

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first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless this modification to the system, as disclosed by Trovato and Liles, would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses a receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily

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recognized the advantages of modifying the system, as disclosed by Trovato and Liles.

One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

Allowable Subject Matter

Claims 12-13 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The aforementioned claims describe a unique method and system for populating online forums with users up to a determined threshold, except placing users in the forum if an interactive relationship is determined to exist between the users even if the forum would otherwise be deemed full. Applicable prior art discloses creating clones of online forums, placing users in forums based on interactive relationships, and limiting the number of users of online forums to a maximum limit, as set forth in detail throughout the Office action. However, Examiner asserts that these aforementioned limitations as recited in Applicant's claims are not an obvious modification to the cited prior art on the record. Examiner additionally suggests amending independent claims to further incorporate limitations that clearly indicate reserving extra capacity for instances of forums, so that "special" users may be placed in an instance of a forum, even if the instance would otherwise be deemed full as disclosed in Applicant's specification (i.e. pages 6-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
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March 10, 2006



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